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SIPDIS

DEPT FOR EUR/SCE, L/EUR, AND L/UNA

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SUBJECT: LATVIA DECLINES TO MAKE ORAL STATEMENT TO ICJ ON  
KOSOVO'S DECLARATION OF INDEPENDENCE

REF: SECSTATE 90199

¶1. (SBU) Acting Pol/Econ Chief delivered reftel demarche on Sept 8 to MFA Director of the European Department Indulis Abelis, MFA Deputy Head of the International Law Department Katrina Kaktina, and MFA Kosovo/Bosnia desk officer Edvards Seliska. As per reftel instructions the demarche was delivered jointly with the British Embassy's Deputy Head of Mission, Daniel Grzenda. The MFA informed us that Latvia has decided not make an oral statement at the International Court of Justice's (ICJ) advisory opinion hearings in December on Kosovo's declaration of independence.

¶2. (SBU) There were three reasons given for Latvia's decision, which was reached several weeks ago at the ministerial level after reportedly extensive internal discussions. First, Latvia does not believe that an oral statement would add anything to its written submission in support of Kosovo's declaration of independence from April ¶2009. Second, Latvia is concerned about its severely constrained budget. (Note: Latvia's financial crisis has required extensive budget cuts. End Note.) The MFA pointed out that the ICJ has been unclear about how long the oral arguments phase will last, thereby exacerbating the MFA's uncertainty about its ability to finance participation in terms of its commitment of human resources. This is complicated by the expected further reduction of the MFA's budget in 2010. Third, Latvia expressed concern that an oral argument might create an unwanted precedent for international law in the context of the independence declarations of South Ossetia and Abkhazia in Georgia.

¶3. (SBU) Latvia will have an observer at the ICJ and Latvian President Valdis Zatlers is planning to meet with Kosovo's president, Fatmir Sejdiu, on the sidelines of UNGA in a show of "solidarity". Abelis promised to relay our message to Foreign Minister Riekstins and said Latvia is committed to following this process and looking for future opportunities to support Kosovo.

¶4. (SBU) Comment: Regardless of the substantive arguments, the MFA's budgetary woes are driving Latvia's decision not to make an oral statement at the ICJ. Following the demarche, our British counterpart made it clear that he concurs with this conclusion. End comment.  
GARBER